



## 1 || B. Duplicate case numbers

2 Plaintiff has written to the court expressing confusion regarding three cases he says  
3 he filed at about the same time. He attached to the letter a complaint which carries the  
4 clerk's official case number stamp showing the case number of this case, but which is  
5 against Washington Mutual Bank and which is entirely different from the complaint in this  
6 case. This court does not have on file any case by this plaintiff against Washington Mutual.  
7 It seems possible that the clerk thought that the Washington Mutual complaint was a copy of  
8 the complaint in this case and returned it to plaintiff as his file-stamped copy.

9 In any event, this case, case number C 05-0336 PJH (PR), is *Lauderdale v. Louie*.  
10 Because plaintiff does not have a case on file against Washington Mutual, he will have to file  
11 a new case if he wishes to pursue that claim.

12 | C. Legal Claims

13 Plaintiff contends that defendants, who are the owners of a UPS Store, violated his  
14 privacy in disregard of their contractual obligations; encouraged “malicious prosecution”  
15 against him; posted personal financial data regarding him with intent to defame;  
16 “mishandled” mail received at their store; and defamed his character. The defendants are  
17 not state actors, so cannot be sued under Section 1983. See *West*, 487 U.S. at 48 (element  
18 of section 1983 claims is that defendants acted under color of state law). In addition,  
19 plaintiff does not allege federal constitutional violations, even if the acts alleged had been  
20 performed by state actors. The petition will be dismissed.

## **CONCLUSION**

22 Plaintiff's complaint is **DISMISSED** with prejudice. His motion for leave to proceed in  
23 forma pauperis is **DENIED**. No fee is due. The clerk shall close the file.

24 || IT IS SO ORDERED.

26 | Dated: April 10, 2006.

*Ryzs*

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PHYLLIS J. HAMILTON  
United States District Judge